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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,920	03/30/2004	Timo P. Tervo	944-004.047	5042
4955	7590	12/21/2005	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			WENDELL, ANDREW	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/813,920	Applicant(s) TERVO ET AL.	
	Examiner Andrew Wendell	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7, 12-13, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Morriss et al. (US Pat Appl# 2004/0203601).

Regarding claim 1, Morriss et al. method for activating a restrictive operating mode of a wireless communication device teaches receiving a guard message at the mobile terminal (Section 0011), authenticating the guard message (Section 0011), locking at least one communication capability of the mobile terminal (Section 0011), and securing at least some data that is stored in the mobile terminal (Section 0004), wherein initiation of the method requires inputting a personal identification code at a location separate from the mobile terminal (Section 0011).

Regarding claim 7, Morriss et al. teaches wherein the user provides the personal identification code to an attendant (wireless service provider), and the attendant then sends the guard message (Section 0011).

Regarding claim 12, Morriss et al. teaches a computer readable medium encoded with a software data structure (Section 0019).

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Regarding claim 13, Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device teaches a transceiver for receiving a guard message 101 (Fig. 2); an authentication unit 205 (Fig. 2) for authenticating the guard message and providing an authentication signal; a communication locking mechanism 201 (Fig. 2), responsive to the authentication signal, for securing at least one communication capability of the mobile terminal (Section 0020); a data securing mechanism, responsive to the authentication signal, for securing at least some data that is stored in the mobile terminal (Section 0004 and Section 0020), wherein the guard message is transmitted to the transceiver when the user inputs a personal identification code at a location separate from the mobile terminal (Section 0011).

Regarding claim 19, Morriss et al. teaches wherein the guard message is received from an attendant (wireless service provider), in response to the attendant obtaining the personal identification code from the user (Section 0011).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morriss et al. (US Pat Appl# 2004/0203601) in view of Randall et al. (US Pat Appl# 2005/0169446).

Regarding claim 14, Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device teaches the limitations in claim 13. Morriss et al. fails to teach about sending a message using smart messaging.

Randall et al. apparatus for communicating user related information using a wireless information device teaches wherein the guard message employs a smart message implemented as a bearer-independent object (Section 0026 and 0031).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate sending a message using smart messaging as taught by Randall et al. into Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device in order to provide communication (Section 0026).

Regarding claim 2, method claim 2 is rejected for the same reason as apparatus claim 14 since the recited elements would perform the claimed steps.

5. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morriss et al. (US Pat Appl# 2004/0203601) in view of Rao et al. (US Pat Pub# 2004/0083472).

Regarding claim 15, Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device teaches the limitations in claim 13. Morriss et al. fails to teach about sending a message using synchronization markup language device management.

Rao et al. syncML device teaches wherein the guard message employs synchronization markup language device management (Fig. 1).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate sending a message using synchronization markup language device management as taught by Rao et al. into Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device in order to synchronize network data on a wireless device (Section 0007).

Regarding claim 3, method claim 3 is rejected for the same reason as apparatus claim 15 since the recited elements would perform the claimed steps.

6. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morriss et al. (US Pat Appl# 2004/0203601) in view of Holmes (US Pat# 5,935,219).

Regarding claim 16, Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device teaches the limitations in claim 13. Morriss et al. fails to teach about sending a message in the format that the mobile terminal can support.

Holmes's message handling in data processing apparatus teaches wherein the guard message employs a certain message (synchronization markup language device management for example) if another program of the mobile terminal (or computer) employs the same message management, and otherwise the guard message employs a different messaging format (possibly smart message or wireless access protocol push messaging for example) (Col. 2 lines 20-34).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate sending a

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message in the format that the mobile terminal can support as taught by Holmes into Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device in order to provide more flexibility in sending messages between objects (Col. 2 lines 9-11).

Regarding claim 4, method claim 4 is rejected for the same reason as apparatus claim 16 since the recited elements would perform the claimed steps.

7. Claims 5-6 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morriss et al. (US Pat Appl# 2004/0203601).

Regarding claim 17, Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device teaches wherein the personal identification code (Section 0011 and 0016) is different from a code used to operate the mobile terminal, and wherein transmission of the guard message also requires inputting a mobile terminal identifier (Section 0003). Morriss et al. does not specifically mention about a mobile terminal identifier but the possibility of having that feature could be implemented and obvious.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate multiple passwords as taught by Morriss et al. in order to improve security of a lost device (Section 0005).

Regarding claim 18, Morriss et al. teaches the possibility of wherein the personal identification code and the code used to operate the mobile terminal are both user-selected which is obvious (Section 0003, 0011, and 0016).

Regarding claim 5, method claim 5 is rejected for the same reason as apparatus claim 17 since the recited elements would perform the claimed steps.

Regarding claim 6, method claim 6 is rejected for the same reason as apparatus claim 18 since the recited elements would perform the claimed steps.

8. Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morriss et al. (US Pat Appl# 2004/0203601) in view of Isaksson et al. (US Pat# 6,865,232).

Regarding claim 20, Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device teaches the limitations in claim 13. Morriss et al. fails to teach about spending a message repeatedly until an acknowledgment is received.

Isaksson et al. multi-carrier transmission system teaches wherein the guard message is sent repeatedly to the transceiver until an acknowledgment is received from the transceiver (Col. 29 lines 17-21).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate spending a message repeatedly until an acknowledgment is received as taught by Isaksson et al. into Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device in order provide better communication (Col. 2 lines 50-53).

Regarding claim 8, method claim 8 is rejected for the same reason as apparatus claim 20 since the recited elements would perform the claimed steps.

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9. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morriss et al. (US Pat Appl# 2004/0203601) in view of Isaksson et al. (US Pat# 6,865,232) as applied to claim 20 above, and further in view of Helle (EP 1170969).

Regarding claim 21, Morriss et al. in view of Isaksson et al. teach the limitations in claim 20. Both Isaksson et al. and Morriss et al. fail to teach information to where the mobile terminal is located.

Helle's apparatus for controlling and securing mobile phones that are lost, stolen or misused teaches wherein the acknowledgment includes information about where the mobile terminal is located (Section 0010).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate information to where the mobile terminal is located as taught by Helle into spending a message repeatedly until an acknowledgment is received as taught by Isaksson et al. into Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device in order improve security and make it easier to find a phone (Section 0009 and 0016).

Regarding claim 9, method claim 9 is rejected for the same reason as apparatus claim 21 since the recited elements would perform the claimed steps.

10. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morriss et al. (US Pat Appl# 2004/0203601) in view of Cocita (US Pat Appl# 2004/0204021).

Regarding claim 22, Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device teaches the limitations in claim 13. Morriss et al. fails to teach destroying at least part of the stored data.

Cocita's cell phone feature teaches wherein the data securing mechanism if for destroying at least part of the stored data (Section 0008).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate destroying at least part of the stored data as taught by Cocita into Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device in order to provide privacy of the customers files (Section 0009).

Regarding claim 10, method claim 10 is rejected for the same reason as apparatus claim 22 since the recited elements would perform the claimed steps.

11. Claims 11, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morriss et al. (US Pat Appl# 2004/0203601) in view of Cocita (US Pat Appl# 2004/0204021) as applied to claims 10 and 22 above, and further in view of Slate (US Pat Appl# 2005/0144251).

Regarding claim 23, Morriss et al. in view of Cocita teaches the limitations in claim 23. Both Cocita and Morriss et al. fail to teach about uploading part of the stored data.

Slate's cellular telephone download locker teaches wherein destroying the at least part of the stored data is accomplished after uploading the at least part of the stored data from the mobile terminal (Section 0003).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate uploading part of the stored data as taught by Slate into destroying at least part of the stored data as taught by Cocita into Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device in order to delete data files (Section 0003).

Regarding claim 11, method claim 11 is rejected for the same reason as apparatus claim 23 since the recited elements would perform the claimed steps.

Regarding claim 25, it is well know that when uploading can be encrypted in order to protect data from individuals. The examiner takes an official notice to this effect.

12. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morriss et al. (US Pat Appl# 2004/0203601) in view of Kim et al. (US Pat Appl# 2005/0239477).

Regarding claim 24, Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device teaches the limitations in claim 13. Morriss et al. fails to teach about an emergency power supply.

Kim et al. emergency call providing system using mobile network teaches an emergency power supply that could be used for at least powering the communication locking mechanism and the data securing mechanism if normal power to the mobile terminal is disabled (Section 0012).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate uploading part of the stored data as taught by Slate into destroying at least part of the stored data as

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taught by Kim et al. into Morriss et al. apparatus for activating a restrictive operating mode of a wireless communication device in order to provide function for the mobile phone (Section 0013).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jeong discloses a method for preventing illegal use of mobile communication terminal. Kagay, Jr. discloses a method and apparatus for operating a lost mobile communication device. Adams et al. discloses a network-based services for misplaced cellular mobile stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Andrew Wendell

Patent Examiner

Date: 12/14/2005

Duc Nguyen

**DUC NGUYEN
PRIMARY EXAMINER**

ASW